



**THE CITY OF SAN DIEGO**

**M E M O R A N D U M**

DATE: September 13, 2017

TO: City of San Diego Hearing Officer

FROM: Jeffrey A. Peterson, Development Project Manager

SUBJECT: Torrance 3, Project No. 519307, Hearing Officer Agenda for September 20, 2017.

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The project was originally scheduled for the August 23, 2017, Hearing Officer Agenda; however, due to an issue regarding the type of permit required, the project was withdrawn and re-noticed for September 20, 2017. Hearing Officer Report No. HO-17-052, issued on August 16, 2017, will be utilized for this hearing with the following revisions:

1. The project proposes a private 20-foot-wide driveway and associated grading that encroaches within the unimproved portion of the Torrance Street public right-of way (ROW). [San Diego Municipal Code \(SDMC\) Section 129.0710\(b\)](#) requires a Site Development Permit for encroachments within the public ROW where the applicant is not the record owner of the property on which the encroachment will be located. However, [Section 129.0710\(b\)\(4\)](#) allows encroachments where the applicant has written permission from the record owner(s) of the underlying fee title to be processed in accordance with [Section 129.0710\(a\)](#). The applicant has obtained the written permission from the record owners, and Section 129.0710(a) allows for the encroachment to be processed as a Process Two Neighborhood Development Permit (NDP). The NDP has been added to the notice, resolution and permit.
2. The property site supports sensitive biological resources. Therefore, the project would be subject to regulations regarding Environmentally Sensitive Lands (ESL) and a Process Three SDP is required pursuant to [SDMC 126.0502\(a\)\(2\)\(B\)](#) and [Table 143-03A](#). The resolution has been revised to address the ESL and includes the supplemental findings.
3. Revised Staff Recommendation as follows: Adopt Mitigated Negative Declaration No. 519307, and Adopt the Mitigation Monitoring and Reporting Program, and Approve Site Development Permit No. 1961193 and Neighborhood Development Permit No. 2014609.

A handwritten signature in blue ink, appearing to be "Jeffrey A. Peterson", written over a horizontal line.

Attachments: 1. Revised Draft Resolution  
2. Revised Draft Permit

cc: Project File No. 519307

HEARING OFFICER  
RESOLUTION NO. \_\_\_\_\_  
SITE DEVELOPMENT PERMIT NO. 1961193  
NEIGHBORHOOD DEVELOPMENT PERMIT NO. 2014609  
**TORRANCE 3 - PROJECT NO. 519307 [MMRP]**

WHEREAS, JENNIFER CURRIE, Owner, and NAKHSHAB DEVELOPMENT & DESIGN, INC., Permittee, filed an application with the City of San Diego for a lot line adjustments and consolidation of portions of the existing lots to create three parcels, and the construction of three residential single dwelling units on three parcels of land and the encroachment of a private driveway within the unimproved portion of the adjacent public right-of way (Torrance Street) (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit Nos. 1961193 and 2014609), on portions of a 0.56-acre site; and

WHEREAS, the project site is located at 549 Torrance Street in the RS-1-1 Zone within the Uptown Community Plan area. Additionally, the project site is within the Airport Land Use Compatibility Plan Noise Contours (CNEL) San Diego International Airport (SDIA) 60 CNEL, the Airport Influence Area (SDIA Review Area 2), the Federal Aviation Administration Part 77 Noticing Area (SDIA Lindbergh Field and the North Island Naval Air Station); and

WHEREAS, the project site is legally described as Lots 5, 6, 7, 8, 9, 30, 31, 32, 33, and 34 in Block 444, of the Subdivision of the East Half and the South Quarter of the West Half of Pueblo Lot 1122, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 381, filed in the Office of the County Recorder of San Diego of said County, March 21, 1883, including the alley which lies between Lots 5, 6, 7, 8, 9, and said Lots 30, 31, 32, 33, and 34, which has been closed it Public, excepting the South 100.00 feet of said Lots 30, 31, 32, 33, and 34; and

WHEREAS, on September 20, 2017, the Hearing Officer of the City of San Diego considered Site Development Permit No. 1961193 and Neighborhood Development Permit No. 2014609, pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the Hearing Officer of the City of San Diego as follows:

That the Hearing Officer adopts the following written Findings, dated September 20, 2017.

FINDINGS:

**I. Site Development Permit - Section §126.0504**

**A. Findings for all Site Development Permits**

**1. The proposed development will not adversely affect the applicable land use plan.**

The project site is located at 549 Torrance Street, east of Dove Court, in the RS-1-1 Zone within the Uptown Community Plan area. Additionally, the project site is within the Airport Land Use Compatibility Plan Noise Contours (CNEL) San Diego International

Airport (SDIA) 60 CNEL, the Airport Influence Area (SDIA Review Area 2), the Federal Aviation Administration (FAA) Part 77 Noticing Area (SDIA and the North Island Naval Air Station (NAS)). The Uptown Community Plan (1988) designates the approximate 0.56-acre site as Open Space. The Open Space and Recreation Element further identifies the site within Zone 1-Biological/Geological Zone within the Maple/Reynard Canyon Open Space System. Within Zone 1, very low residential density is allowed (one-two dwelling units per acre), and based on the project's ability to conform to lot requirements and allowances to subdivide the site into three lots, each individual lot may be developed with a single-family dwelling unit.

On December 16, 2016 (date of final passage), the City Council adopted an updated Uptown Community Plan pursuant to Ordinance No. O-20770 N.S., and a rezone of the properties within the community planning area to citywide zones pursuant to Ordinance No. O-20771 N.S. Both ordinance became effective on January 15, 2017. However, the project application was deemed complete on November 2, 2016, and the project is utilizing the 1988 Uptown Community Plan regulations that were in effect at the time of the submittal.

The project proposes the consolidation of ten existing lots into three lots through lot line adjustments and the construction of three detached single-family dwelling units totaling 8,334 square feet. The project also proposes an encroachment of a private 20-foot wide driveway and associated grading within the unimproved portion of the public right-of way (Torrance Street) and accessed from Dove Court, which will provide access to the three single-family dwelling units. The project incorporates a roof-mounted photovoltaic system consisting of solar panels on each building sufficient to generate at least 50-percent of the project's projected energy consumption, and qualifies a Sustainable Building.

The project is not requesting nor requires any deviations from the development regulations. The project site is located within a developed residential neighborhood and surrounded by similar residential development. Construction of three single-family residences would not affect adjacent properties and is consistent with surrounding land uses. The project as proposed would be consistent with the policies of Uptown Community Plan, as well as with applicable Conservation Element policies contained in the General Plan, and therefore would not adversely impact the applicable land use plans.

### **2. The proposed development will not be detrimental to the public health, safety, and welfare.**

The project proposes the consolidation of ten existing lots into three lots through lot line adjustments and the construction of three detached single-family dwelling units totaling 8,334 square feet. The project also proposes an encroachment of a private 20-foot wide driveway and associated grading within the unimproved portion of the public right-of way (Torrance Street) and accessed from Dove Court, which will provide access to the three single-family dwelling units. The project is not requesting nor requires any deviations from the development regulations. The project site is located within a

developed residential neighborhood and surrounded by similar residential development. Construction of three single-family residences would not affect adjacent properties and is consistent with surrounding land uses.

A Mitigated Negative Declaration (MND) No. 519307 has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines, which addresses potential impacts to Paleontological Resources. A Mitigation Monitoring and Reporting Program (MMRP) would be implemented with this project, which shall reduce the potential impacts to below a level of significance.

The project will be required to obtain building permits and a public improvement permit prior to the construction of the residential development. The building plans and public improvement plans shall be reviewed, permitted, and inspected by the City for compliance with all applicable building, mechanical, electrical, fire code, and development regulations. The permit for the project includes various conditions and referenced exhibits of approval relevant to achieving project compliance with the applicable regulations of the San Diego Municipal Code (SDMC) in effect for this project. Such conditions are necessary to avoid adverse impacts upon the health, safety and general welfare of persons residing or working in the surrounding area. The project shall comply with the development conditions in effect for the subject property as described in Site Development Permit No. 1961193 and Neighborhood Development Permit No. 2014609, and other regulations and guidelines pertaining to the subject property per the SDMC. Therefore, the proposed development will not be detrimental to the public health, safety, and welfare.

### **3. The proposed development will comply with the applicable regulations of the Land Development Code, including any allowable deviations pursuant to the Land Development Code.**

The project proposes the consolidation of ten existing lots into three lots through lot line adjustments and the construction of three detached single-family dwelling units totaling 8,334 square feet. The project also proposes a private 20-foot-wide driveway and associated grading that encroaches within the unimproved portion of the public right-of-way (Torrance Street) and accessed from Dove Court, which will provide access to the three single-family dwelling units. The project incorporates a roof-mounted photovoltaic system consisting of solar panels on each of the buildings sufficient to generate at least 50 percent of the project's projected energy consumption and green roofs on each of the dwelling units.

The project site is a rectangular-shaped property situated on the south side of an unimproved portion of the Torrance Street right-of-way, between Curlew Street and Dove Court. The project site is currently vacant and the vegetation on-site consists of non-native grassland and non-native vegetation. The project site is bounded on the north by the Torrance Street right-of-way and residences beyond; and on the east, south and west by existing residences. The adjacent property to the north, located at 628 Torrance Street, was approved in July 1985 for an encroachment of a private 20-foot-wide driveway and associated improvements along the northern portion of Torrance

Street which is accessed from Dove Court. The encroachment approval was part of the grading and public improvements for a 16-unit multi-family development.

The topography along the unimproved Torrance Street rises from 185 feet at the northeastern corner of the project site to 260 feet at the intersection of Dove Court and Torrance Street (approximately a 75-foot differential). The topography of the site rises from 195 feet at the northeastern and southeastern corners to 250 feet at the northwestern and southwestern corners (approximately a 55-foot differential). Due to the topography along the unimproved portion of Torrance Street and the angles for egress and ingress, the proposed driveway would not be able to connect into the existing driveway located at 628 Torrance Street; therefore, the proposed new driveway will provide access to the three dwelling units.

The applicant is not the record owner of the underlying fee title on the portion of the public right-of way which the driveway encroachment will be located. However, the applicant has obtained and submitted to the City written permission from all the record owners of the underlying fee title to the satisfaction of the City Engineer for the encroachment of a private driveway and associated grading within the unimproved portion of the Torrance Street.

The project site is located within a developed residential neighborhood and surrounded by similar residential development. Construction of three single-family residences would not affect adjacent properties and is consistent with surrounding land uses. The project is not requesting nor requires any deviations from the development regulations; therefore, the project meets all applicable regulations and policy documents, and is consistent with the recommended land use, design guidelines, and development standards in effect for this site per the Land Development Code (LDC).

### **B. Supplemental Findings--Environmentally Sensitive Lands**

#### **1. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.**

The project site is a rectangular-shaped property situated on the south side of an unimproved portion of the Torrance Street right-of-way, between Curlew Street and Dove Court. The project site is currently vacant and the vegetation on-site consists of non-native grassland and non-native vegetation. The project site is bounded on the north by the Torrance Street right-of-way and residences beyond; and on the east, south and west by existing residences. The adjacent property to the north, located at 628 Torrance Street, was approved in July 1985 for an encroachment of a private 20-foot-wide driveway and associated improvements along the northern portion of Torrance Street which is accessed from Dove Court. The encroachment approval was part of the grading and public improvements for a 16-unit multi-family development.

The topography along the unimproved Torrance Street rises from 185 feet at the northeastern corner of the project site to 260 feet at the intersection of Dove Court and

Torrance Street (approximately a 75-foot differential). The topography of the site rises from 195 feet at the northeastern and southeastern corners to 250 feet at the northwestern and southwestern corners (approximately a 55-foot differential). Due to the topography along the unimproved portion of Torrance Street and the angles for egress and ingress, the proposed driveway would not be able to connect into the existing driveway located at 628 Torrance Street; therefore, the proposed new driveway will provide access to the three dwelling units.

MND No. 519307 has been prepared for the project in accordance with CEQA Guidelines, which addresses potential impacts to Paleontological Resources. An MMRP would be implemented with this project, which shall reduce the potential impacts to below a level of significance. As outlined in the MND, a Biological Resources Report was prepared by Vincent N. Scheidt dated February 24, 2017. The report determined that direct impacts to 0.13 acre of Non-native Grassland (Tier III-B) and 0.43 acre of Non-native Vegetation (Tier IV) would occur. Mitigation is not required because impacts to Non-native Grassland (Tier III-B) totaling less than 1.0 acres which are completely surrounded by existing urban developments are not considered significant. The project site does not contain any formal and/or informal wildlife corridors on or near the project site, as the project site is located within a developed residential neighborhood. The project site does not contain any federally protected wetlands as defined by Section 404 of the Clean Water Act. Therefore, the site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.

### **2. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.**

According to the City of San Diego Seismic Safety Study 2008, the project site is located in Geologic Hazard Category 52. Hazard Category 52 is characterized as "Other Terrain – other level areas, gently sloping to steep terrain, favorable geologic structure, low risk." In addition, the site is located within a seismically active southern California region, and is potentially subject to moderate to strong seismic ground shaking along major earthquake faults. Seismic shaking at the site could be generated by any number of known active and potentially active faults in the region. With the implementation of proper engineering design and utilization of standard construction practices, to be verified at the building permit stage, would ensure that the potential for impacts from regional geologic hazards would remain less than significant.

MND No. 519307 has been prepared for the project in accordance with CEQA Guidelines, which addresses potential impacts to Paleontological Resources. An MMRP would be implemented with this project, which shall reduce the potential impacts to below a level of significance. Construction of the project would temporarily disturb on-site soils during grading activities, thereby increasing the potential for soil erosion to occur. However, the use of standard erosion control measures and implementation of storm water Best Management Practice (BMP) requirements during construction would reduce potential impacts to a less than a significant level. Additionally, the project site would be

landscaped in accordance with City requirements, which would also preclude erosion or topsoil loss, and all storm water requirements would be met. The project site is not located within a 100-year flood hazard area or any other known flood area. Therefore, the proposed development has been designed to minimize the alteration of natural land forms and would not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

### **3. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.**

The project site is a rectangular-shaped property situated on the south side of an unimproved portion of the Torrance Street right-of-way, between Curlew Street and Dove Court. The project site is currently vacant and the vegetation on-site consists of non-native grassland and non-native vegetation. The project site is bounded on the north by the Torrance Street right-of-way and residences beyond; and on the east, south and west by existing residences. The adjacent property to the north, located at 628 Torrance Street, was approved in July 1985 for an encroachment of a private 20-foot-wide driveway and associated improvements along the northern portion of Torrance Street which is accessed from Dove Court. The encroachment approval was part of the grading and public improvements for a 16-unit multi-family development.

The topography along the unimproved Torrance Street rises from 185 feet at the northeastern corner of the project site to 260 feet at the intersection of Dove Court and Torrance Street (approximately a 75-foot differential). The topography of the site rises from 195 feet at the northeastern and southeastern corners to 250 feet at the northwestern and southwestern corners (approximately a 55-foot differential). Due to the topography along the unimproved portion of Torrance Street and the angles for egress and ingress, the proposed driveway would not be able to connect into the existing driveway located at 628 Torrance Street; therefore, the proposed new driveway will provide access to the three dwelling units.

MND No. 519307 has been prepared for the project in accordance with CEQA Guidelines, which addresses potential impacts to Paleontological Resources. An MMRP would be implemented with this project, which shall reduce the potential impacts to below a level of significance. The project site is located within a developed residential neighborhood and surrounded by similar residential development. Construction of three single-family residences would not affect adjacent properties and is consistent with surrounding land uses. Therefore, the proposed development has been sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.

### **4. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan.**

The project is located within a developed residential neighborhood and would not conflict with any applicable habitat conservation plan or natural community conservation plan. The project would not conflict with the City's Multiple Species

Conservation Plan (MSCP), in that the site is not located within or adjacent to the City's Multi-Habitat Planning Area (MHPA).

**5. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.**

The project site is located at 549 Torrance Street, east of Dove Court, and located approximately 1.26-miles from Mission Bay. The project would comply with all storm water quality standards during and after construction, and appropriate Best Management Practices (BMP's) must be utilized. Therefore, the proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

**6. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.**

MND No. 519307 has been prepared for the project in accordance with CEQA Guidelines, which addresses potential impacts to Paleontological Resources. An MMRP would be implemented with this project, which shall reduce the potential impacts to below a level of significance. In addition, to the MMRP, the project will be required to building permits and a public improvement permit prior to the construction of the residential development. The building plans and public improvement plans shall be reviewed, permitted, and inspected by the City for compliance with all applicable building, mechanical, electrical, fire code, and development regulations. The permit for the project includes various conditions and referenced exhibits of approval relevant to achieving project compliance with the applicable regulations of the SDMC in effect for this project. Such conditions are necessary to avoid adverse impacts upon the health, safety and general welfare of persons residing or working in the surrounding area. The project shall comply with the development conditions in effect for the subject property as described in Site Development Permit No. 1961193 and Neighborhood Development Permit No. 2014609, and other regulations and guidelines pertaining to the subject property per the SDMC. Therefore, the nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.

**II. Neighborhood Development Permit - Section 126.0404**

**A. Findings for all Neighborhood Development Permits**

**1. The proposed development will not adversely affect the applicable land use plan.**

As outlined within Site Development Permit Finding (I)(A)(1), listed above, the proposed development and public right-of way encroachment for a private driveway would not adversely impact the applicable land use plan.



**2. The proposed development will not be detrimental to the public health, safety, and welfare.**

As outlined within Site Development Permit Finding (I)(A)(2), listed above, the proposed development will not be detrimental to the public health, safety, and welfare.

**3. The proposed development will comply with the applicable regulations of the Land Development Code, including any allowable deviations pursuant to the Land Development Code.**

As outlined within Site Development Permit Finding (I)(A)(3), listed above, the project meets all applicable regulations and policy documents, and is consistent with the recommended land use, design guidelines, and development standards in effect for this site per the LDC.

The above findings are supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Site Development Permit No. 1961193 and Neighborhood Development Permit No. 2014609 is hereby GRANTED by the Hearing Officer to the referenced Owner and Permittee, in the form, exhibits, terms and conditions as set forth in Permit Nos. 1961193 and 2014609, a copy of which is attached hereto and made a part hereof.

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Jeffrey A. Peterson  
Development Project Manager  
Development Services Department

Adopted on: September 20, 2017

Internal Order No. 24007065

**RECORDING REQUESTED BY**  
CITY OF SAN DIEGO  
DEVELOPMENT SERVICES  
PERMIT INTAKE, MAIL STATION  
501

**WHEN RECORDED MAIL TO**  
**PROJECT MANAGEMENT**  
**PERMIT CLERK**  
**MAIL STATION 501**

INTERNAL ORDER NUMBER: 24007065

SPACE ABOVE THIS LINE FOR RECORDER'S USE

SITE DEVELOPMENT PERMIT NO. 1961193  
NEIGHBORHOOD DEVELOPMENT PERMIT NO. 2014609  
**TORRANCE 3 - PROJECT NO. 519307 [MMRP]**  
HEARING OFFICER

This Site Development Permit No. 1961193 and Neighborhood Development Permit No. 2014609 is granted by the Hearing Officer of the City of San Diego to JENNIFER CURRIE, Owner, and NAKHSHAB DEVELOPMENT & DESIGN, INC., Permittee, pursuant to San Diego Municipal Code [SDMC] Section 126.0504. The 0.56-acre site is located at 549 Torrance Street in the RS-1-1 Zone within the Uptown Community Plan area. Additionally, the project site is within the Airport Land Use Compatibility Plan Noise Contours (CNEL) San Diego International Airport (SDIA) 60 CNEL, the Airport Influence Area (SDIA Review Area 2), the Federal Aviation Administration Part 77 Noticing Area (SDIA Lindbergh Field and the North Island Naval Air Station). The project site is legally described as Lots 5, 6, 7, 8, 9, 30, 31, 32, 33, and 34 in Block 444, of the Subdivision of the East Half and the South Quarter of the West Half of Pueblo Lot 1122, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 381, filed in the Office of the County Recorder of San Diego of said County, March 21, 1883, including the alley which lies between Lots 5, 6, 7, 8, 9, and said Lots 30, 31, 32, 33, and 34, which has been closed it Public, excepting the South 100.00 feet of said Lots 30, 31, 32, 33, and 34.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee for a lot line adjustments and consolidation of portions of the existing lots to create three parcels, and the construction of three residential single dwelling units on three parcels of land and the encroachment of a private driveway within the unimproved portion of the adjacent public right-of way (Torrance Street), described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated September 20, 2017, on file in the Development Services Department.

The project shall include:

- a. Lot line adjustments and consolidation of portions of the existing lots to create three parcels (Lots A-C); and

- b. The construction of three detached single-family dwelling units on the three parcels of land. Lot A contains a two-story, 2,545-square-foot unit with an attached carport; Lot B contains a three-story, 2,976-square-foot unit with an attached carport; and Lot C contains a two-story, 2,813-square-foot unit with a detached carport;
- c. Encroachment of a private 20-foot-wide driveway and associated grading within the unimproved portion of the public right-of way (Torrance Street);
- d. Landscaping (planting, irrigation and landscape related improvements);
- e. Off-street parking;
- f. A roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50 percent of the project's projected energy consumption, in conformance with the criteria of the Affordable/In-Fill Housing and Sustainable Buildings Expedite Program; and
- g. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

**STANDARD REQUIREMENTS:**

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by October 4, 2020.
2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
  - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
  - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.

4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
  5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
  6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
  7. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.
  8. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.
  9. All of the conditions contained in this Permit have been considered and were determined necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.
- If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" conditions(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.
10. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee

shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

**ENVIRONMENTAL/MITIGATION REQUIREMENTS:**

11. Mitigation requirements in the Mitigation, Monitoring, and Reporting Program [MMRP] shall apply to this Permit. These MMRP conditions are hereby incorporated into this Permit by reference.

12. The mitigation measures specified in the MMRP and outlined in MITIGATED NEGATIVE DECLARATION NO. 519307, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

13. The Owner/Permittee shall comply with the MMRP as specified in MITIGATED NEGATIVE DECLARATION NO. 519307 to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following issue areas:

Paleontological Resources

**CLIMATE ACTION PLAN REQUIREMENTS:**

14. Owner/Permittee shall comply with the Climate Action Plan (CAP) Consistency Checklist stamped as Exhibit "A." Prior to issuance of any construction permit, all CAP strategies shall be noted within the first three (3) sheets of the construction plans under the heading "Climate Action Plan Requirements" and shall be enforced and implemented to the satisfaction of the Development Services Department.

**AFFORDABLE HOUSING REQUIREMENTS:**

15. Prior to the issuance of any building permits, the Owner/Permittee shall comply with the affordable housing requirements of the City's Inclusionary Affordable Housing Regulations (SDMC § 142.1301 et seq.).

**AIRPORT REQUIREMENTS:**

16. Prior to the issuance of any building permits, the Owner/Permittee shall provide a copy of the signed agreement [DS-503] and show certification on the building plans verifying that the structures do not require Federal Aviation Administration [FAA] notice for Determination of No Hazard to Air Navigation, or provide an FAA Determination of No Hazard to Air Navigation as specified in Information Bulletin 520.

**GEOLOGY REQUIREMENTS:**

17. The Owner/Permittee shall submit a geotechnical investigation report or update letter that specifically addresses the proposed construction plans. The geotechnical investigation report or update letter shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to issuance of any construction permits.
18. The Owner/Permittee shall submit an as-graded geotechnical report prepared in accordance with the City's "Guidelines for Geotechnical Reports" following completion of the grading. The as-graded geotechnical report shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to exoneration of the bond and grading permit close-out.

**ENGINEERING REQUIREMENTS:**

19. The project proposes to import material to the project site. All excavated material listed to be exported, shall be exported to a legal disposal site in accordance with the Standard Specifications for Public Works Construction (the "Green Book"), 2015 edition and Regional Supplement Amendments adopted by Regional Standards Committee.
20. The drainage system proposed for this development, as shown on the site plan, is private and subject to approval by the City Engineer.
21. Prior to the issuance of any building permits, the Owner/Permittee shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to the requirements of the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
22. Prior to the issuance of any building permits, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for the curb outlet in the Curlew Street Right-of-Way.
23. Prior to the issuance of any building permits, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for the private improvements including a non-City Standard driveway, retaining wall, water services, storm drain system and sewer main system encroaching into the Torrance Street Right-of-Way.
24. Prior to the issuance of any building permits, the Owner/Permittee shall record a Shared Access Agreement with all property owners adjacent to Torrance Street from Dove Court to the project site east property line extended, per approved Exhibit "A," satisfactory to the City Engineer.
25. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the construction of a non-City Standard 25-foot wide concrete driveway, adjacent to the site in the Torrance Street Right-of-Way, satisfactory to the City Engineer.
26. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practices (BMP) maintenance, satisfactory to the City Engineer.

27. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction BMP necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the SDMC, into the construction plans or specifications.

28. Prior to the issuance of any construction permit, the applicant shall submit a Technical Report that will be subject to final review and approval by the City Engineer, based on the Storm Water Standards in effect at the time of the construction permit issuance.

29. Prior to the issuance of any construction permit the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Part 2 Construction BMP Standards Chapter 4 of the City's Storm Water Standards.

### **LANDSCAPE REQUIREMENTS:**

30. Prior to issuance of any engineering permits for grading, the Owner/Permittee shall submit complete construction documents for the revegetation and hydroseeding of all disturbed land in accordance with the City of San Diego Landscape Standards, Stormwater Design Manual, and to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit "A," on file in the Office of the Development Services Department.

31. Prior to issuance of any engineering permits for right-of-way improvements, the Owner/Permittee shall submit complete landscape construction documents for right-of-way improvements to the Development Services Department for approval. Improvement plans shall show, label, and dimension a 40-square-foot area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

32. Prior to issuance of any construction permits for structures, the Owner/Permittee shall submit complete landscape and irrigation construction documents consistent with the Landscape Standards to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan, on file in the Office of the Development Services Department. Construction plans shall provide a 40-square-foot area around each tree that is unencumbered by hardscape and utilities unless otherwise approved per LDC 142.0403(b)(5).

33. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, consistent with the Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity.

34. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit.

35. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, the Owner/Permittee shall repair and/or replace in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or Final Inspection.

**PLANNING/DESIGN REQUIREMENTS:**

36. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

37. Prior to the issuance of building permits, construction documents shall fully illustrate the incorporation of a roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50 percent of the project's projected energy consumption, in conformance with the criteria of the Affordable/In-Fill Housing and Sustainable Buildings Expedite Program.

38. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

**TRANSPORTATION REQUIREMENTS**

39. The automobile, motorcycle and bicycle parking spaces must be constructed in accordance with the requirements of the SDMC. All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing authorized by the appropriate City decision maker in accordance with the SDMC.

40. Prior to the issuance of first occupancy approval, the owner/permittee shall install signage and striping on Torrance Street and Dove Court as shown on sheet C.2 Preliminary Traffic and Signage Plan of Exhibit "A," satisfactory to the City Engineer.

**PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:**

41. Prior to any non-right-of-way construction permit, the Owner/Permittee shall assure that all proposed public water and sewer facilities within the public right-of-way must be located and labeled on both the Site Plan, and on an approved City Construction Record Drawing (D-Sheet), so as to clearly convey their location relative to the nearest property line and their point of connection to the City's existing public water and sewer infrastructure.

42. Prior to the issuance of any non-right-of-way construction permit, the Owner/Permittee shall assure (via permit and bond) that all public water and sewer facilities will be constructed in accordance with the Site Plan associated with this discretionary permit.



### INFORMATION ONLY:

- The issuance of this discretionary permit alone does not allow the immediate commencement or continued operation of the proposed use on site. Any operation allowed by this discretionary permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Hearing Officer of the City of San Diego on September 20, 2017 and [Approved Resolution Number].

**ATTACHMENT 2**

Permit Type/PTS Approval No.: SDP/1961193

NDP/2014609

Date of Approval: September 20, 2017

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

\_\_\_\_\_  
Jeffrey A. Peterson  
Development Project Manager

**NOTE: Notary acknowledgment  
must be attached per Civil Code  
section 1189 et seq.**

\_\_\_\_\_  
**The undersigned Owner/Permittee**, by execution hereof, agrees to each and every condition of  
this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.

**JENNIFER CURRIE**  
Owner

By \_\_\_\_\_  
Jennifer Currie

**NAKSHAB DEVELOPMENT & DESIGN, INC**  
Permittee

By \_\_\_\_\_  
Name:  
Title:

**NOTE: Notary acknowledgments  
must be attached per Civil Code  
section 1189 et seq.**